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A

MODEST ENQUIRY

CONCERNING THE

ELECTION

OF THE

Sheriffs of London.

AND THE

RIGHT of CHUSING

DEMONSTRATED

To belong unto, and to have been always adjudged to reside in the

LORD MAYOR,

THE

COURT of ALDERMEN,

AND THE

Common-Hall.

LONDON:
Printed for *Henry Mead.* 1682.

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A Modeſt Enquiry concerning the Election of the Sheriffs *of* London, *&c.*

WERE I to conſult my own peace and perſonal ſafety, I ſhould rather be contented ſilently to bewail the doleful and threatning poſture of affairs, than take upon me to repreſent the condition which the raſh Counſels of a few ſhallow, criminal, and deſperate perſons have reduced an excellent Prince and this flouriſhing Kingdom into. And were it not for the diſcharge of my duty to my Religion, King and Countrey, I ſhould not ſo far expoſe and lay my ſelf obnoxious, as I foreſee I ſhall do at this unhappy juncture, when the paſſions and prejudices of a certain peeviſh little ſort of men, and their eſpouſal of perſons and intereſts altogether irreconcilable with the preſervation of Proteſtancy, the Honour of the King, and the proſperity of his people, have rendred them unattentive unto, and obſtinate againſt whatſoever is diſcourſed for the allaying our unnatural heats, and the retrieving that deſirable correſpondence betwixt his Majeſty and his ſubjects, which may cauſe him ſtill to be univerſally beloved, and render him more glorious, and theſe Nations more proſperous and happy than ever. In what a ſhort time have the unadviſed and giddy Counſels of Five or Six unfortunate pretenders to Policy, brought the King from being the Supreme Arbitrator of all the weighty con-

cernments of *Europe*, and from being able to turn the ſcales as he pleaſed in this Weſtern part of the World, into a condition of being hardly able to preſerve peace in his own Dominions, or compoſe differences, and quiet animoſities among his natural ſubjects and Liege people? And in how few years have the preſent Miniſters reduced theſe renowned Kingdoms from being the comfort and ſupport of our Friends, the dread and terror of our Enemies, and the objects either of the envy or emulation of the World, into a condition of becoming pitied of thoſe that love us, contemned by them that hate us, and ready (if we do not prevent the malice of our Foes by falling upon one another) to be a prey to any that from envy, revenge, or ambition, ſhall entertain a deſign of attacking us? Who that hath not abandon'd and forfeited the reaſon of a man, and renounced and abjured his love both to his King and Countrey, can ſo much as imagine that the Methods which have been lately purſued, are either wiſely adapted to the preſent ſtate of things abroad, or ſeaſonably calculated for the condition that matters are in at home?

Do not all men obſerve a War commencing on the other ſide the water, wherein we cannot avoid becoming intereſted in favour of one party or another; and yet in the mean time are not diviſions and rancours induſtriouſly promoted and enflamed towards the weakning and diſabling the Kingdom for any great or Martial undertaking? And are not all things likewiſe managed towards the encreaſing ſuch jealouſies between the King and the generality of his people, and for the begetting that diſlike in his Majeſty of Parliaments, and ſuch diſtruſt in them of him, ſhould neceſſity enforce the Aſſembling one, that there is little hope while matters continue to run in the preſent channel, either of his Majeſties being in a capacity of declaring for one or the other of the contending and rival States and Princes abroad,

abroad, or being able honourably to comply with the terms of those Alliances wherein he is already engaged, much less of being in a condition to answer what will be desired and expected from him upon new Treaties and Stipulations. For as nothing is more obvious than it will be impossible for us to to preserve a Neutrality, should the Foreign War proceed; seeing the Confederates are not only sensible of the Inconveniences which befel them in the last War, by the Neutrality of his Majesty, but are now less apprehensive than they were then, of any great Mischief likely to ensue towards them by our declaring against them; so that we are rationally to expect, that if they cannot obtain us to embark with them, they will look upon us as their Enemies, and treat us accordingly.

And tho we ought always to believe, That whensoever the King finds how he cannot escape being imbroiled and engaged in the present War, but he will, as a wise Prince, both so far understand his Interest, and be ready to gratifie the Desires, and ardent Wishes of his People, as to joyn with the Confederates: yet as that will lead him to call a Parliament, for which some will, *hostibus & bello gratiam habere*, think themselves obliged to out-landish Troubles; so it is to be hop'd, That seeing those about His Majesty have wholly left off thinking, or do only apply thoughts to divert and adjourn their own ruine, without any great regard, by what appears, to the Kings Honour or Safety, that he will at last judg it matter worthy of his own serious consideration, whether he can reasonably promise himself a happy meeting with his Parliament, or success in what he will have to propose unto them, if upon their coming together, they find things going in the Current which they have run in for some time past. Will Noble and Generous Persons, and such as represent a Protestant and free People, believe they should act prudently,

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and as men that expect to be honoured and justified by those who depute them, in shewing themselves inclined to be liberal of their own, and the Nations Money, until they have enquired, how Parliaments have come to be debased and *ridiculed*, and how the zealousest Protestants, and most loyal Subjects of the Kingdom, have been prosecuted for a Sham-Conspiracy against the Government, the whole whereof was laid in Subornation, and supported by Perjury? Is it possible to be imagined, That unless they should be of as corrupt Principles, prostitute Consciences, and slavish Tempers, as those that have been contriving and carrying on the extirpation of our Religion, and the subversion of our Liberties, that they will ever sit calmly within those Walls, where their Ancestors have in all Ages so boldly asserted *English* Rights, and passed so many Laws for the security of them, without enquiring how the course of Justice hath been turned out of its ordinary and legal channel, and how the Law hath come to be applied to destroy a certain set of men, who for what appears, are singled out, and distinguished from others to be run down, because they cannot be so forward as some of their Neighbours, to betray their King, their Religion, and the Rights and Liberties of the Kingdom? Unless they who sit at the Helm, can obtain Members to be returned to serve in Parliament, in the manner that *Jurors* in some Counties have lately been, it is not to be conceived, but that the Parliament will in subserviency to a firm Union, and happy Correspondency with His Majesty; and in order to the effectual preservation of his Life and Dignity, examine how the King hath been degraded from being the supreme Head, Governour, and Defender of all his People, and influenced to espouse a little Faction of men, and made as it were, to exclude all the rest of his Subjects out of his Love and Care. Let no man think, that those who will be chosen to

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ſill thoſe honourable Seats, will ever have the baſeneſs as to ſtile themſelves the grand Inqueſt of the Nation, and His Majeſties Supreme and High Council, without both looking into the late bold infraction of the Laws, and tracing thoſe pernicious Advices, the effects whereof the whole Kingdom languiſheth and groans under, to the original Authors of them. Nor will any Parliament this Generation is like to ſee, ever aſſume the immodeſty, as to call themſelves a part of the Legiſlative Power of the Nation, without inſpecting the invaſion that ſome have been endeavouring to make upon the Rights of Corporations and Cities, and how under a pretence of Legal *Writs* and *Forms*, the greateſt Bodies *corporate* in the Kingdom, are brought into danger of loſing the Priviledges and Juriſdictions which they have for many Ages enjoy'd, not only by *Charter*, but by ancient *Preſcription*, and by ſtanding Laws. Theſe are the things that muſt be expected from a true *Engliſh* Parliament, even tho His Majeſty, in caſe of a Foreign War, and his being unable to preſerve himſelf neutral, ſhould joyn with the *Confederates*; which is that that his People do both univerſally deſire, and will not fail to ſtand by him in, being once relieved from the dangers, their Lives, Religion and Fortunes have been brought into. Is it not therefore high time for the King to decline the proſecution of thoſe Councils which will involve him in conteſts with his People, when he moſt needs their love and aſſiſtance? and to exchange thoſe Miniſters who have led him into courſes which he cannot, as things are circumſtanced, perſevere in with ſafety, for others whoſe fidelity to his perſon, and the wiſdom of whoſe conduct may be relied upon? How eaſie were it for his Majeſty to anticipate a Parliament in all the gracious things which the Kingdom either doth or can expect from one, by exerting his Power, and diſplaying his Wiſdom and Goodneſs in effecting them himſelf;

ſelf; and only leave to thoſe great and honourable Bodies the opportunities of magnifying his Grace, and ſupplying his wants, with the puniſhing of ſome few of thoſe that have abuſed his Name and Authority to countenance and juſtifie courſes ſo unſafe and diſhonourable to his Perſon, deſtructive to his people, and dangerous to his Crown and Dignity.

And in caſe his Majeſty upon the commencement and progreſs of a Foreign War, and his being neceſſitated to eſpouſe one ſide or the other, ſhould contrary both to the guidance and inclination of his own Underſtanding, and the true Intereſt of his people, be prevailed upon through the importunity of his Miniſters to join with *France*, it is then demonſtratively obvious, that the meaſures which have been taken, and in purſuance whereof deſigns are ſtill carried on, will prove fatally pernicious in the iſſue and event. For as there are no hopes of obtaining any aids from a Parliament towards the management of a War in conjunction with a Nation which the *Engliſh* ſo generally hate, and to whoſe influence over ſome about his Majeſty, they aſcribe moſt of the Grievances whereof we complain; ſo ſhould an Army be raiſed and maintain'd at the Kings own Charge for that Service, it is to be feared they would do as the *Forces* raiſed by the *Decemviri* againſt the *Sabines* did, of whom the Hiſtorian tells us, that *vinci ſe patiebantur, ne quid ductu aut auſpicio Decemvirorum proſpere gereretur*, they ſuffered themſelves to be beaten, rather than they would by conquering eſtabliſh thoſe new and harſh Maſters in their Dominion. Nor ought our Miniſters to forget how the Army that was raiſed in *Anno* 1640. to withſtand the *Scots*, permitted themſelves to be little better dealt with, as being poſſeſt with prejudices againſt the Miniſters of that time, by reaſon of the intermiſſion of Parliaments, and the invaſion made upon Property by Ship-money, Billeting of Soldiers, and o-

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ther innumerable ways. Beſides it is not eaſie to be imagin'd how the remembrance of a Sham-Plot to deſtroy the Lives of Proteſtants; how the entring *Noli proſequi's* to prevent the conviction of Miſcreants for ſubornation and perjury; how the ſerving of a *Quo Warranto* to take away the Charter of the City; how the wheedling my Lord Mayor contrary to all precedents as well as juſtice, to take Bond of a Gentleman to hold Sheriff of *London*, before he is Elected, or at leaſt, confirmed, will ferment in the hearts of men, when upon our entring into a Confederacy with *France*, they find their Eſtates ſeiſed in all the *Spaniſh* Territories, their Ships taken by Pickaroons under the Authority of Commiſſions from the ſeveral Confederate Princes and States, and may be a Fleet of *Dutch* at the ſame time bloeking up our Harbours. And by how much the *French* King after he hath ſo long hector'd the world, begins now to flag in his Courage, declines in his Treaſure, make ſubmiſſion to the Holy Father, whoſe Triple Crown he was ſo lately threatning to wreſt from his Head, and comes to be ſo horridly affronted by his Subjects and Relations, as he was lately in thoſe baſe Attempts made upon the living Images of himſelf; by ſo much will all the Proteſtants of *England*, ſcorn and diſdain to be rendred at the pleaſure of Two or Three Muſhroom Stateſmen, the ſupporters of his Throne. Nay, they do ſo warmly recent his ungrateful, as well as barbarous carriage towards the *French* Proteſtants, that it were plainly to enrage the People of *England* to call them out to ſuſtain that Monarch in his power of tyrannizing over thoſe of the ſame Religion with themſelves. Is not ſuch a juncture as this, wherein the King is like to be obliged to enter into a War, by embracing one or the other of the contending ſides, a bleſſed and well-choſen ſeaſon for reviving the Execution of the penal Laws againſt Diſſenters, for ſerving a *Quo Warranto* againſt the City of *London*, to wreſt

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their Charter from them, and for endeavouring against all Right and Custom, to fasten such a Sheriff upon them, who may return such Juries as will believe *Barry*, *Macknamarra*, *Booth*, *Fitz-Gerald*, &c. and hang those out of the way that have the impudence to affirm there was a Popish Plot, or are such enemies to the Mother Church, as to wish, That His Majesty may out-live the fears of a Popish Successor?

And as no man pretending to Civil Wisdom, or who is so much as Master of common Sense, can think this a fit season for His Majesty, or any acting in his Name, and by his Authority, to go about to seise the City Charter, or unduly to obtrude a Sheriff upon them; so whosoever will narrowly enquire for the gratifying and obliging of what sort of persons all this is undertaken and attempted, he will find reason of acknowledging himself wonderfully surprised and amazed, that a loyal, great, and powerful City should be molested and disfranchised for the humouring men of their Figure, Principles and Complexion. For it is in the first place evident, that the Papists are the people whose Wishes and Designs are herein mostly befriended and complied with. For besides the malice they bear to *London*, both as it is the principal Seat, Harbour, and Sanctuary of Protestants, and as it is the greatest Bulwark in *Europe* against *Romish* Tyranny, Superstition and Idolatry; so they can never forgive *London* and *Middlesex* the having furnished Juries for the Conviction of *Coleman*, *Langhorn*, and the rest of the late *Romish* Martyrs. Alas! those poor innocent Souls were guilty of nothing; but of conspiring the Death of an Heretical King, rooting out a Schismatical Nation, and designing the extirpation of a paltry Religion which hath for an Age or two infected these Northern Kingdoms; and yet this Fanatical City and County have found and supplied *Jurors*, who had no more wit nor honesty than to bring them

them in guilty of the Higheſt Treaſon. And tho the *Papiſts* do not hitherto judg it ſeaſonable to mention it; yet it may be worth ſome peoples conſideration of what ſtamp and character theſe *Sheriffs* were who returned thoſe Juries, and to think with themſelves how both they and all who ſerved either upon thoſe *Inqueſts* or *Trials*, may in caſe we come once to have a Popiſh Prince, find this to riſe in judgment againſt them. Can any man believe that they who burnt the City meerly for being a Neſt of Hereticks, will after we have dipt in the Blood of their holy Fathers, and moſt Renowned Votaries, reſt contented with turning this Famous *Corporation* into a Village? No, they will be ſatiated with no leſs than the Lives of Thouſands, before we have ſufficiently attoned for ſo heinous an offence. But as this is not the only, ſo it is not the main thing which the Papiſts propound unto themſelves in obtaining the *Sheriffs* of *London* to be men according to their humour and mind: For ſuppoſe they ſtill entertain a deſign of deſtroying his Majeſty, and have either found another Doctor of *Phyſick*, or ſome little *Cook*, that have skill in the knack of Poyſoning, who are willing to do the meritorious Feat: Or ſuppoſe that they are again provided of one or two bigotted Fellows who will be more careful of the Flints of their conſecrated Guns than *Pickering* and *Grove* were, that have promiſed to do the ſanctified job for them; Or ſuppoſe they are lately furniſhed with ſome Miſcreants and Raſcals, who being more bold and deſperate than the Four Ruffians are prevailed upon by a pardon of all their ſins, and an advancement of a large ſum of money, with an aſſurance of preferment in ſome Popiſh State, to undertake and vow the executing this neceſſary piece of Service; would it not upon all or any of theſe ſuppoſals, be infinitely for the advantage of the Papal Faction to have ſuch *Sheriffs* over the City, upon whom, the Feat being done, they may confi-

fidently rely for the *posse Londini*, especially seeing they are not without apprehensions that there may be some even among the disgusted and persecuted Protestants, who may think both of enquiring after the manner of his death, and of endeavouring to revenge it. To the Papists we may subjoin a little sort of people, who have been questioned by the Parliament, or discarded by their City-Masters; and these out of pure revenge would ravish the Charter from *London*, and do only press and employ the Kings Authority and Name to serve their particular malice, and to fight their personal quarrels. They will list themselves under any banner, and enrol themselves in any party, provided they may but wreak their wrath, and retaliate the injuries which they fondly suppose they have received. And if their principles do not guide them to unite with the Papists, the remembrance how they were treated by the same Authority that was zealous against the Catholicks, makes them cement with them, and co-operate in all their designs. And to these we may add a company of Nonsensical Fops, or Lunatick Fools, who being ambitious of an interest in the rising Faction, and covetous of being thought worthy of some Respect from the Factors for Popery and Arbitrary Power, do out of vanity, pride and ignorance, join in the noise, and cry for the seisure of the Charter, and the imposing a Sheriff upon the City. These are a kind of brainsick fellows, who upon the hopes of being mounted upon the spoil and depression of the City Rights, offer themselves as Tools to serve and accomplish the designs of more subtil and malicious heads. In the last place, there are a company of Mercenary fellows, that used to serve as *Tallymen* in *Guild-hall* for their Groats a Cause; who being put by their Trade by the late Sheriffs, would, to recover their Four-pence a Trial, sell the Charter and all the Priviledges of this honourable Corporation. No observing man needs a Character whereby to know the

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ſticklers againſt the Charter; the Loyalty upon which they ſo highly bear themſelves, proclaiming them aloud in all places and companies. For diſcourſe them when you pleaſe, you will find them infinitely more fond of the Duke, than of the King; and carrying as if they had a diſpenſation to ſpeak what they pleaſe of his Majeſty, provided they do but adore and worſhip his Brother. Are not theſe fine Gentlemen, that the Kings Name and Authority ſhould be preſſed and applied in their favour and ſervice, tho to the diſobliging a Loyal, Mighty, and Opulent City? Nor doth their Number bear any proportion to the noiſe and buz which they make; it being evident to every impartial Obſerver, that all their clutter is but like the diſturbance which one or two broke out of *Bedlam* give the Town, which the grave Inhabitants think below their noticing, chuſing to leave them to the hootings and diſcipline of the Boys. And would but our Governours make the experiment of giving one Weeks countenance to the other ſide, equal to what they have vouchſafed them for many Months, if not for ſome years, they would both ſee the boldeſt of them ſneak and crouch, and their magnified Numbers ſhrivel and dwindle into nothing. Neither is this ſo ridiculous a propoſal as ſome men may haſtily imagine; for as it is not ſafe daily to provoke and affront the Body of a City or a Kingdom, that know themſelves more Loyal than thoſe that are encouraged to teaze and abuſe them; ſo it were a ſafe and eaſie way of knowing whether of the Two Parties into which our Miniſters have ſo wiſely divided the Nation, are not only the moſt firm and ſteddy with reſpect to their Temper and Principles, but the moſt conſiderable for their Quality, Number, and Uſefulneſs to the Government.

Can any Proteſtant that values his Life, Liberty, or Eſtate, hold himſelf unconcern'd in the preſent Attempt of ſeiſing the Charter into the Kings hand, or of the project

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of obtruding a Sheriff upon the Corporation whom themſelves have not choſen, if he does but conſider the end that is propounded in all this, and the Merciful and Juſt Deſign to which it is ſubſervient? Such have been the Meaſures that have been taken, and the Counſels that have been followed, that our Miniſters, tho they know the Proteſtants wholly innocent from all ill intentions againſt his Majeſty and the Government, yet do find it neceſſary for the juſtification of the Advices which they have given, and the courſes that have been ſteered, to have us believed guilty of a Conſpiracy againſt the King and the Monarchy. And therefore deſpairing of ever obtaining this, while there were men returned upon Juries that are either perſons of common ſenſe or moral honeſty, they found no other way of deſtroying us under form of Law, but to get ſuch thruſt into the Office of Sheriffs of *London*, as will return perſons who will be ſure to convict and hang us, tho the things depoſed againſt us be both impoſſible to be true, and inconſiſtent one with another. And there being a gang of fellows in the City that are ready to cut our throats for not being ſo furious for a Popiſh Succeſſor, and ſo ambitious of becoming ſlaves as they are, were they not meerly reſtrained by the apprehenſions that their own Lives would not be long ſafe, ſhould they once attempt upon ours; how eaſie will it be, provided the Sheriffs be perſons manageable by our Adverſaries, to get a Grand *Inqueſt* impannell'd from among men of that inclination and temper, who will readily find any *Bills* againſt us that our mortal Enemies ſhall think convenient to have us Indicted upon? Nay, how glad will theſe Cowards be, that only forbear knocking us on the head out of fear of our ſtriking again, to have an opportunity put into their hands of deſtroying us without any further hazard than that of their ſouls, of which they are paſt being ſolicitous, having brought them into the utmoſt hazard imaginable

ginable already, by their prodigious Oaths and unconceivable Debaucheries. Let ſome men but once have the power of returning Juries in *London* and *Middleſex*, and you ſhall ſoon ſee *Barry* and *Fitzgerald* ſtep up and commence Credible Witneſſes, notwithſtanding the whole rational part of Mankind is fully ſatisfied and convinced of their being a Couple of ſuborned and perjured Raſcals. Let not our Adverſaries think, but that we do ſufficiently underſtand the Deſign, in proſecution whereof, they are ſo zealous in wreſting the Charter from the City, and ſo induſtrious to impoſe a *Sheriff* upon us in the *interim*, to the defiance of all Right and Cuſtom: For it is evident to all who do not wilfully ſhut their eyes, that it is in order to revive the Proteſtant Plot, and to have the Honours, Lives and Eſtates, both of the beſt and moſt eminent Citizens, and of the principal Nobility and Gentry of the Kingdom, at their diſpoſal and diſcretion. For what elſe doth it amount unto, to hear them ſay, That the King cannot have Juſtice in *London*, but that the Miniſters who uſurp his Name, cannot get their rage gratified by the Conviction and Condemnation of the D. *M.* E. *S.* E. *E.* S *R. C.* S *P. W.* S *J. P.* and multitudes beſides, whom it were almoſt endleſs to recount? Yet in the midſt of all their clamor, we dare appeal to every man of Senſe, Wit or Juſtice, whether there were ever better *Juries* than thoſe that have been returned by theſe loyal and honeſt Gentlemen, who have ſerved in the Office of *Sheriffs* this and the laſt year? Did ever men of better Quality, greater Eſtates, clearer Reputation, or more excellent parts, appear either at the *Old Baily*, *Guild Hall*, or the *Kings Bench Bar*, than thoſe whom the worthy Officers ſo boldly declaim'd againſt, have from time to time returned upon the Pannel? How often have the Reverend Judges themſelves, whom our adverſaries have no reaſon to account partial in the favour of the Sheriffs,

been

been forced to acknowledg the Wisdom, Justice and Integrity of the late Juries, beyond whatsoever they observed in any they were upon the Tryal of Causes accustomed unto before? And this comfort the present and last *Sheriffs* are sure of, that no Reproach or Obloquy can fall upnon them, but it must affect the most knowing, the most vertuous, and the most loyal persons in the County and City, seeing it hath been their constant care to impannel such upon all occasions, especially when any Cause was depending between His Majesty and a Subject. And forasmuch as those whom they returned to serve upon the Indictment against the Earl of *Shaftsbury*, were many of them persons whom their Countrey have often judged worthy to be chosen Members of the Honourable and Great Senate of the Nation, and wherein they acquitted themselves to the high satisfaction of that Learned, Wise, and August Body; they must be no less than Lunatick and Delirous, who upbraid and calumniate the *Sheriffs* upon that score and account. And tho these worthy Gentlemen are become liable and exposed to the malice and reproach of a few Criminal persons, who know that themselves cannot be long safe, unless they can ruine the most loyal and best men in the Nation; yet it is to be hop'd that as they have now the praise and thanks of all true Protestants, good Subjects, and sincere *English* men; so they will be accounted in all ages to come the preservers of their Prince from infamy and dishonour, and the Saviours and Defenders of their Country from destruction and ruine. But seeing a great cry hath been raised both against them and the *London Juries*, because of an *Ignoramus* brought in upon an Indictment against the Earl of *Shaftsbury*, where an Association, pretended to be found in his Study, was alledged in evidence and proof, it may not be amiss here to subjoyn a Form of an Association prepared by the House of Lords, and that upon the motion

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and instigation of the Friends and Partisans of the Duke of *York*; the tenor whereof is as followeth:

A Bill depending in the House of Lords last Parliament at *Westminster*, and committed, with several Judges to assist, Judg *Jones* being one, for an Association to defend the Kings Life, and the Protestant Religion.

THat all Bishops and Peers enter into this Association, or otherwise to be incapacitated to sit in Parliament: That no person be capable to be an Elector, or Elected into this, or any succeeding Parliament, until he hath entred into this Association: That all Judges, Mayors, Sheriffs, Bayliffs, Justices of the Peace, and even Constable, and all Lord Lieutenants, Deputy Lieutenants, Officers of the Militia, &c. and all the Officers and Soldiers of His Majesties Guards and Garisons, all Officers of the Admiralty and Ordinance, all Sea-Captains, and likewise all Ecclesiastical persons, as Deans, &c. Rectors and Curates; all Bodies Corporate, as Colledges, Inns of Court, &c. do enter into this Association; and that no person whatsoever, be permitted to have, or enjoy any Office or Place of Trust, Civil Military, or Ecclesiastical, who is not included in this Association.

That upon the Kings Death, be it violent or natural, all perſons within the ſaid Aſſociation, do immediately put themſelves into Arms, and ſo to continue till the Parliament which is to meet at the Kings Death, be actually aſſembled; and there to obey ſuch Orders as ſhall be given by Parliament. That the perſons nominated by this Act to be the Heads of the Aſſociation, be empowered to iſſue Commiſſions for the execution of Martial Law, and ſuch Commiſſions to be of force from the time of the Kings Death, till the Parliament are met, and have enquired into the cauſe of the Kings Death; and no longer. That the Tower *of* London, Portſmouth, Plimouth *and* Hull, *be eſtabliſhed Magazines: And that even in this Kings time, the places be commanded by ſuch perſons as ſhall be nominated by His Majeſty, and approved in Parliament. That this Act of Aſſociation be not only read twice a year in every Church, but that the Aſſociation it ſelf be poſted up in every Church.*

This is the Tenor of the Bill, that for the Preſervation of the Kings Perſon, and the ſecurity of the Proteſtant Religion againſt the Deſigns of the Papiſts, the Houſe of Lords were upon, and that not only with the concurrence, but at the motion and inſtigation of the Lords of His Majeſties Privy Council, and the Duke of *Yorks* beſt friends. And tho poſſibly ſome that firſt adviſed this Bill might deſign no more by it than the obſtruction of the *Bill of Excluſion*, which was then depending in the *Houſe of Commons*; yet it would never have been ſo far countenanced in that Honorable Houſe, as to be committed, if they had not believed an *Aſſociation* conſiſtent with the Government, as well as their Loyalty, and been apprehenſive of the danger in which the Kings Perſon was, by reaſon of the Papiſts; whoſe Religion will juſtify them in deſtroying an Heretical Prince at any time; but moſt eſpecially when they hope thereby to make way for a Popiſh Succeſſor to mount the Throne. And ſeeing no Evidence was produced that could influence the minds

minds of wiſe and impartial men to believe that the *Aſſociation* alledged againſt the Earl of *Shaftsbury*, was ever ſeen by him, much leſs found in his Study; have we not reaſon to apprehend that it was only forged and invented to obtain an opportunity and advantage of breaking in upon, and ridiculing the Wiſdom and Authority of Parliaments? However I ſuppoſe our late Abhorrers of all *Aſſociations* will ſee reaſon to bethink themſelves what they have done, and to conſider what a Judicature they have made themſelves liable unto, by publickly expoſing and deteſting a thing, which not only His Majeſties Hereditary Counſellors, but ſo great and honourable a part of the Legiſlative Authority of the Nation, judged expedient and neceſſary, as our affairs were then ſtated, and unhappily ſtill continue, for the preſervation of the Kings Perſon, and the defence of our Religion and Legal Rights.

Nor is this matter wherein theſe perſons are embark't, of obtruding a *Sheriff* upon *London*, and ſtudying to raviſh their Charter from them, of any leſs leſs conſequence and import, than what involves the whole Nation in the reſentment of it, and reacheth all the Kingdom in the effects which it bodes and threatens. For what man is ſecure of his Right and Property, if Law and Ancient Preſcription cannot preſerve *London* in the quiet enjoyment of its Juriſdictions and Priviledges? There are few perſons in the Kingdom, againſt whom by reaſon of the Tranſgreſſion of ſome one Penal Statute or another, more may not be found to raiſe and commence a Suit in the Kings Name, than ſo far as we are able to judg by the *Quo Warranto*, is pretended againſt this noble and famous Corporation. And will not every man conceive himſelf unſafe in his Hereditary and Legal Rights and Property, when he finds that ſo great a City as *London*, is, without having done any thing Diſloyal againſt His Majeſty, only for ſome little, and as moſt believe, but

ſed Tranſgreſſion of their bounds, moleſted in the Poſſeſſion of their ancient Franchiſes? Is it not rationally to be imagined that this attempt upon the Metropolis of the Kingdom, will be every where conſtrued as a declaration of what all men are to expect, if there be but the leaſt flaw againſt them to countenance the diſ-ſeizing them of their Rights? Nor will it be here amiſs to ſubjoin a Petition of the Lords and Commons in Parliament to *Edward* the II. when they found that his Officers had ſuch a Deſign on foot again *London*, as his Preſent Majeſties Miniſters ſeem now to have. *A noſtre Seigneour le Roi, auxient prient les gents de la commune de votre Roialme, qu'il pleuſe a votre haute Seigneur que voz citeins de votre Citee de Londres puiſſent rejoier lour Franchiſes cuſtum* ——— *& auncennes uſages grantes de voz progenitours, & de voz meiſmes confirmez demurer en lour force ſumez eſtre attemptez per vos miniſtros pur ceo que noſtre commune recoveriz eſt en la dite Citee.* And tho that Prince was not very inclinable to hearken to good Counſel, the neglect whereof ended in his ruine at laſt; yet upon finding how the *Prelates*, *Peers*, *Barons* and *Commons* accounted the attempts of his Miniſters againſt *London*, as if done againſt themſelves, he complied with their advices, as appears by the Anſwer which he returned; *Il pend devant le Roi & ſcit mande que drait ſoit fait per expreſſe bref reddement.* Can any one believe that the Nobility and Gentry of *England* at this time are leſs ſenſible of the preſent Proſecution commenced againſt the City, than their Progenitors anciently were? ought we not rather to conceive that were they once Aſſembled in Parliament, they would ſoon expreſs their reſentments of what is doing, and make their applications to His Majeſty with Humility, but yet earneſtneſs about it? By how much the Lords and Gentlemen of the Nation think their Perſonal ſafety endangered in the wreſting

Ex Rot. Claudo anno 19. *Ed.* 2. Membr. 15.

ing the Right of chooſing *Sheriffs* from the *Common-Hall*, by ſo much muſt they be concerned to lay this Deſign the more warmly to Heart. For what hath drawn ſo many perſons of all ranks and qualities to take up their Reſidence in *London* and *Middleſex*, but that continuing Loyal to His Majeſty and the Government, they expect more impartiallity and Juſtice here, than they can look for in the Country? for which the Miniſters having the propoſing Sheriffs to His Majeſty, are ſure to take care that none ſhall be tendred, in order to be Prickt and Appointed, but ſuch upon whom they can entirely depend, for returning Jurors according to their Humour and Mind.

Nay, thinking people are the more aſtoniſhed at theſe late Proceedings. when they conſider, that never any of His Majeſties Royal Predeceſſors, gave way to the like Deſigns again the Metropolis of their Kingdom, ſave ſuch as have been reckoned by all Hiſtorians in the number of unwiſe and unfortunate Princes. For *non quic quid nocens pati meretur, id egregio ſub Principe ſtatuendum eſt*, A generous Monarch will not be ſevere towards offending Subjects, provided they do but retain their Loyalty, and perſevere in their obedience. As it is moſt certain, that the City neither claims nor practiſeth any thing now, but what it hath been in the poſſeſſion and uſage of for divers Ages; ſo never any King, ſince *Richard* the Second, which is almoſt Three hundred years ago, ever endeavoured to ſeiſe the City Charter into their hands. Whoſoever conſults the Story of our *Engliſh* Princes, will find, that thoſe Kings have always been moſt proſperous both at home and abroad, who have been moſt gracious and favourable to the City of *London*. Nor did any thing prove more ſerviceable to that wiſe, and ever to be renowned Princeſs, Queen *Elizabeth*, than her treating *London* at all times, as her Darling and beloved City. How often hath the City been more faulty

to divers of our former Kings, than the moſt impudent of its enemies dare ſay it hath been toward His Majeſty? and yet none of them, ſince the time of the forementioned Prince, gave liberty to their Miniſters to raviſh from it its Franchiſes and Rights. And it is not unworthy of ſome mens conſideration, that the reaſon why the *Londoners* did receive the Duke of *Lancaſter*, who was afterward *Henry* the 4*th*, ſo readily, and with ſo much joy and triumph into their City, and aſſiſt him ſo effectually againſt both his and their Leige Lord *Richard* the 2*d*, was the remembrance of what that raſh and unhappy Prince had done in the impriſoning of their Magiſtrates, and annulling their Priviledges, and ſeiſing their Liberties, upon little and frivolous pretences, into his own hands. Yea, ſo ungrateful a thing hath it always been to the People of *England*, to have *Sheriffs* impoſed upon, and ſet over them, otherwiſe than according to the courſe and direction of the Law, that it was laid hold of, as one of the moſt plauſible Reaſons for depoſing *Richard* the 2*d*, when the Kingdom had rebelliouſly revolted from him, *Quod Vicecomites nondum nominatos & electos prout Lex ſtatuerat, ſed pro ſuæ libito voluntatis, & pro ſuo & aliorum commodo, ad gravamen populi ſui, & contra Leges Regni fecerat: That he had cauſed perſons to be made Sheriffs according to his own humour, and for his own and others private advantage, to the great grievance of his People, and againſt the Laws of the Kingdom.*

Vid. *Knighton.*

And for any of His Majeſties Officers, or ſuch as act under him, to employ the Kings Authority and Name, to obtrude a *Sheriff* upon the City, without the Election, or at the leaſt, the confirmation of the Common-Hall; or to endeavour to wreſt their Charter from them, when it doth not appear that they have forfeited it by any diſloyal and treaſonable Crimes, is both the more diſhonourable unto His Ma-

Majeſty, and diſguſtful unto his Subjects, becauſe the King hath not only ſo often, but ſo lately declared, That he will always govern according to Law. And what ſome little people are now upon againſt the City, added to divers things which in other Caſes they have lately practiſed, makes men of reading and obſervation remember, how that after King *Charles* the *Firſt* had publiſhed a Declaration upon his diſſolving the Parliament, *Anno* 1628. wherein he aſſured and promiſed all his Subjects to keep the Laws entire and inviolate, and to govern accordingly: yet immediately there enſued an intermiſſion of Parliaments for Twelve years, and an invaſion upon Liberty and Property, by erecting of Monopolies, exacting of Loans, impoſing and levying Ship-money, and illegal Impriſonments of His Majeſties Liege people. Not that the blame of theſe things was to have been imputed to the late King, who is ſaid to have been in his Temper, an excellent Prince, and who according to our Law, could do no wrong; but they were to have been aſcribed to his Miniſters, the Judges telling him, that they were legal and juſt, and his Council informing him, that they were for his Intereſt, and Actions every way ſafe and prudent. Nor will it, I fear, be enough to ſay, That in all which His Majeſties Miniſters are now in the purſuance of, the King proceeds in a legal way, and countenanceth nothing but what there is a Right pretended for the authorizing and juſtification of, ſeeing both the pretence of a Right where there is none, as in the Caſe of my Lord Mayors impoſing a Sheriff upon the City, without the concurrence of the Livery-men; and alſo the obſervance of legal Forms, if the drift of the Law be not attended unto, does but render theſe things ſo much the worſe in themſelves, and the more odious and deteſtable by all Mankind. For whatſoever is in *fraudem Legis*, is more diſguſtful than what is directly *contra Legem*. And people had rather be violently pillaged

laged and rob'd of their Poſſeſſions and Rights, than trickt and cheated out of them. For a Prince that would uſurp Tyranny over a People (the thoughts whereof we believe His Majeſty will always be averſe from), need not put himſelf to the trouble and difficulty of abrogating, or declaring againſt Laws made to maintain the common Liberty; but he may both more ſafely and eaſily compaſs his Deſign, by getting thoſe that have the adminiſtration of them under him, to interpret them as he pleaſes, and as doth beſt befriend him in his purpoſes. Nor were ever the Bulwarks of our *Engliſh* Laws, made ineffectual to the ſecurity of our Liberty and Eſtates, but when Privy-Councellors and Judges, who are ſworn to adviſe their reſpective Princes to act according to the Laws, as well as to conform thereunto themſelves, did either neglect and deſpiſe, or arbitrarily and extravagantly expound them. For not to mention what the Judges and Miniſters in the late Kings time ſaid was juſt and legal, tho when it came to be examined in Parliament, it was found ſubverſive of all our Laws and *Engliſh* Rights; Did not *Triſilian* and *Belknap*, by impoſing arbitrary and illegal Expoſitions upon our Laws to *Richard* the 2*d*, both diſtreſs the whole Kingdom, and prove an unhappy means and occaſion of alienating the love of his People from him, and therein of laying the foundation of all the misfortunes and miſeries that fell upon him? Nor did the Right which they claimed as Judges of interpreting and declaring the ſenſe and meaning of Laws, ſave them from the puniſhments which the breaking their own Oaths, and making the King violate the Oath which he had taken at his Coronation, for the well and good ruling of his people, had made them deſerve and become liable unto. For the Lord Chief Juſtice *Treſilian* was by judgment of the Houſe of Lords hang'd at Tyburn, having firſt been drawn through *London* ſtreets, and *Belknap* being upon the interceſſion of the Queen and others

others pardoned, as to the Sentence of Death, he was outlaw'd, and for ever baniſht into *Ireland*. Yea, did not the Judges who took upon them arbitrarily to expound and apply the Law in King *Charles* the *firſt*'s time, fall all of them under the cenſure of Parliament; and had not one of their Heels done his Head a courteſie, he was ſure to have died for it? How ill will ſome men deſerve of the King, if the things which they have put him upon cannot, after all their endeavours, be carried? And what are they to expect from a Parliament, if the advice which they have given, be found unjuſt and pernicious? Nor will it be a ſmall aggravation of their Crime, that they have put His Majeſty upon theſe things, after he had ſo often declared upon the Word of a Prince, That he would always govern according to Law. It would really grieve any one that loves the Perſon of his Prince, or that deſires the honour and ſecurity of the Government, to hear what kind of Diſcourſe is the entertainment that a man ſhall meet with in all Companies. For ſays *one*, Is this His Majeſties ruling according to Law, to ſuffer his Authority to be employed to divert the edg of Juſtice from one ſort of his Subjects, and to permit the Law to be turned againſt others in the extreameſt rigour? Is this, ſays *another*, His Majeſties making the Law the ſtandard and meaſure of his Government, to preſerve thoſe whom Parliaments have impeached as guilty of the higheſt Crimes, and at the ſame time, through the influence of the guilty and accuſed, to apply it to the diſtreſs and ruine of thoſe that the great Senate of the Kingdom do judg both the Kings honour, and the preſervation of our Religion and Liberties to depend upon? What an unhappy poſture are we in, ſays a *third*, that a mighty and opulent City, and which is our Monarchs Royal Chamber, ſhall be attack'd in their Rights and Priviledges; and that the pleaſing and obliging a Popiſh preſumtive Heir, or

may be only for the gratifying of an upſtart Knight, who had all his days remained upon the level with the meaneſt Gown-man, had not the Cities honouring him in and by their Service, given him an opportunity of frequent acceſs to his Majeſty, to whoſe Benignity and Grace, in the lack of all perſonal merit, he is indebted for his exaltation and riſe. The Sheriffs of *London* and *Middleſex*, ſays a *fourth*, were never reproached for the return of the Jury that acquitted Sir *George Wakeman*, tho his flight ſince is no ſmall evidence of his guilt; and muſt they be not only every day expoſed for the return of the *Pannel* that brought in an *Ignoramus* upon the Bill againſt the Earl of *Shaftsbury*, whoſe innocency as to the Crimes whereof he was accuſed, does every day appear more evident and illuſtrious; but muſt this be turned and improved into an occaſion of offence againſt the whole Corporation, and made a juſtifiable ground of ſtripping and diveſting the City of its Juriſdictions and Priviledges? *Hobb*'s ſtate of Nature is much more deſirable, ſays a *fifth*, than to live under a Government where when men upon the performance and diſcharge of their duty towards their Rulers and one another, expect to have equal favour and protection from thoſe that are over them, do inſtead thereof become the objects of the Magiſtrates jealouſie, and are ſurrender'd to be prey'd upon by their fellow-ſubjects. Are the pretended Crimes, ſays a *ſixt*, upon which the *Quo Warranto* is ſerved againſt the City, of yeſterday's ſtanding, and of late date? Or where have they lien dormant all this while? Are Mr. *Duboiſe* and Mr. *Papillion*, ſaith *another*, ſuch ſtupid and nonſenſical Fops in compariſon of Politick Sir *John Peak*, and Sir *Simon Lewis*, as that a project ſhould be ſet on foot of debarring and excluding theſe as perſons incapable of ſerving his Majeſty and the City, while theſe were welcom'd into their Office as men not only admirably qualified for the place, but as proper

per Inſtruments through their vaſt and acquired prudence, both to ſuſtain the weight of that Employment, and to ſupport and raiſe the Honour of his Majeſties Government. Nay, ſays another, this proceeding from favourers of Popery about his Majeſty, is but a *preludium* of what we are to expect when Papal Counſels ſhall only obtain. For we have a pattern, ſays he, of what it is to govern according to Law, in a Proclamation by Queen *Mary*, the tenor whereof is, That thoſe to whom it was directed, ſhould do ſuch and ſuch things as are there mentioned and required, *any Laws or Statutes to the contrary notwithſtanding*. And as theſe are ſome of the Reflections that are commonly made upon the preſent proceedings; ſo it is impoſſible while men have not the command of their underſtandings, to judg otherwiſe than the ſtate and nature of things guide them unto, but that their loaded and overburden'd minds ſhould vent themſelves in ſuch expreſſions as theſe are.

See Burnets *Collect of Records to the 2d part of the Hiſt. of Reform.* P. 114.

But doth my Lord Mayor conſider what he is about, and wherein ſuch an attempt may iſſue, as his impoſing a Sheriff upon the City without the Confirmation of a *Common-Hall*, ſeeing he cannot but underſtand that both the Laws and uninterrupted Cuſtom of the *Corporation*, do poſitively require and direct the contrary? Will it not be enough to embalm his Memory, That his being in the Chair hath been that which hath principally encouraged ſome little men to obtain the ſerving of a *Quo Warranto* upon the City for the ſeizing of their Charter, but muſt he to the further glory and reputation of his Name, both forget his Truſt, and by ſuch an Act as This, give up the Liberties and Lives of his fellow Citizens to the Will, Malice, and Rage of ſome mean, ill-principled, and implacable men? For his Lordſhip cannot be ſo void of Underſtanding, as not plainly to per-

ceive, That it is only in order to Hang ſuch Proteſtants a Sir *G. J.* and thoſe Miniſters whoſe Tool he is, are incenſed againſt, that he hath been ſo often and ſo importunately preſſed to this method and courſe that he is entred upon, and ſtill ſeems inclinable to perſevere in. Nor can he think but that Mr. *Duboiſe* and Mr. *Papillon* are as prudent and honeſt Gentlemen, and as capable to ſerve his Majeſty and the City, as that perſon is to whom his Lordſhip hath been pleaſed to drink; and that ſhould they be choſen Sheriffs, they will diſcharge their Office with as much Loyalty as even Mr. *North* himſelf can be ſuppoſed to do. And if his Lordſhip's preſent Greatneſs and honourable Station have not made him loſe his ſenſe, methinks he ſhould eaſily ſmell and apprehend ſome bad Deſign, in finding himſelf at ſuch a juncture, put upon the obſtructing the choice of two ſuch worthy and deſerving perſons. It would now ſeem that it was not for nothing that ſome people were ſo zealous, and did ſo induſtriouſly ſtickle for Sir *John Moor*'s Election to the *Chair*; for it appears they knew in the ſervice of what deſign they ſhould uſe his Lordſhip, and what point they hop'd to gain by his carrying the Sword. Nor was it without cauſe that the news of his being choſen Mayor was entertained with no ſmall joy and triumph at *Holy Rood Houſe*, for ſome behind the curtain had undoubtedly laid the project of ſerving themſelves in this, if not other conſiderable matters, by him. But foraſmuch as my Lord hath been heretofore reported to be an honeſt and well meaning Gentleman, tho he was never conceived to be ſo great a Politician as to be able to penetrate into the hidden deſigns of Statesmen, or ſee through the plauſible pretences of crafty and ſubtil people; it may not be amiſs for him to conſider whether this which he hath ſuffered himſelf to be prevailed upon unto, be agreeable to the Charters and Cuſtoms of the City, and conſiſtent with the Oath which he hath taken to

obſerve

observe and keep them. And as we doubt not to prove anon, That the Right of Electing Sheriffs of *London* doth both by Charter and constant Usage belong to the *Barons* or Free-men, as well as to my Lord Mayor and Court of Aldermen; so it may not misbecome his Lordship to think what honour from others, or peace in himself he is like to have, if he violate his Oath, and trample upon the Rights and Priviledges of the Corporation. But if through a fear of displeasing some great men, he should be influenced to forget the Obligations he is under by virtue of his Trust and Oath, yet let the kindness which he retains for his Liberty, Life, and Estate, prevail with him to consider wherein he is embarking, and what his pretended Advisers and daily Visitants do put him upon. For as the being Lord Mayor does not give him an Arbitrary power, so he is liable of being called to an account for every violation of the City-Rights, and for all Offences against the Faith and Trust which are reposed in him. And how much any Crime he becomes guilty of in the exercise of his Government, proves pernicious and fatal in the consequences of it, by so much ought he to reckon himself liable sooner or later to the greater punishment. And let me as a friend to his Lordship tell him, That in the 50 of *Ed.* 3. not only several were disfranchised for Offences contrary to their Oaths as Citizens, but that one *Ellis* and some others were impeached in Parliament for Crimes of that kind. And his own memory will serve to instruct him, how that *Anno* 1642. Sir *Richard Gurney* was impeached by the House of Commons for having contrary to his Oath, and the Faith and Trust reposed in him as Mayor, endeavoured to bring in an Arbitrary Government into the City, and to overthrow the ancient Customs and Usages thereof, and for which he was censured by the House of Lords to be incapable to bear any Office of Honour or Trust in the Commonwealth, to be degraded of

all

all Honours and Titles, and to continue Priſoner in the *Tower*, during the Pleaſure of Parliament. And whatever Exceptions that Impeachment is liable unto, upon the account of the matters whereof he was accuſed; yet it ſerveth to declare the power of Parliaments over Lord *Mayors* of *London*, and how they are obnoxious to anſwer for Crimes againſt the Cuſtoms and Uſages of the Corporation. And it were ridiculous to imagine, how their Lordſhips, in caſe they tranſgreſs, ſhould have a Priviledg to eſcape animadverſion, when the greateſt Peers in the Realm, the moſt immediate Miniſters of our Kings, and the higheſt Officers of the Kingdom, are ſubject to the Authority and Juriſdiction of Parliaments, and often made to feel the effects of their Juſtice.

And as this Uſurpation upon the Rights of the City, was little expected from Sir *John Moor*; ſo his carriage in this Affair, ſhows us how far ſome people may be deceived in the opinion which they entertain of men, and what little truſt there is to be given for the future, to the repreſentations which ſome make of their own Principles and Reſolutions. 'Tis true, there were a great many Citizens, and even of thoſe who had no ill thoughts of him in the general, that yet knowing the eaſineſs of his Nature, believed he would not be able to purſue and follow his own inclinations, but that he would be carried away by the torrent of great mens importunities, if not hector'd by their Rant, and huff into whatſoever they had a mind unto; and therefore were willing to have adjourned his exaltation to the Mayoralty, till a ſeaſon that might have better accorded with the Gentlemans Temper, and when heats and paſſions might be more allay'd among our ſelves, and dangers fewer, and leſs threatning from our enemies. Nor was this out of any quarrel againſt his Lordſhips perſon, but meerly with reſpect to our own ſafety, and for the preſerving our ſelves from ruine,

and

and to prevent the inconveniencies which we foreſaw the facility of his Nature would run both himſelf and us into. And this courteſie we had infallibly done him, and been withal ſo kind to our ſelves as became us, had not the Phanaticks, according to their wonted proſpect, and uſual prudence, concurred many of them in his Election, and thereby derived all thoſe difficulties upon him, themſelves, and us, which have ſince enſued, and wherewithal we are now wreſtling and contending. However, I hope the fruits which they have ſeen of their precipitancy, and want of diſtruſt, will inſtruct them to be more cautious and diſcreet for the future, than to chuſe one to the Chair in ſuch a critical juncture, upon no better motive than meerly becauſe he is next to it.

But now in caſe his Lordſhip ſhould not only neglect his Honour, ſacrifice his Conſcience, but venture his Life, as well as his Eſtate, if that he may but gratifie half a dozen of people, and give them an opportunity of hanging what Proteſtants they have a mind to; yet it is the concernment of the Gentleman whom he pretends to honour, by calling him to the Office of Sheriff, not to ſuffer himſelf to be decoy'd and coax'd into a nooſe by his Lordſhip. For whoſoever enters upon the Sherifalty of *London*, that is not legally, and according to Charter elected thereunto, will both find himſelf liable to be proceeded againſt, as an uſurper of that Office, and be made accountable for whatſoever he does in the pretended diſcharge of it. There is not a Writ he executes, nor a perſon he detains in hold, nor any that he ſhall ſee the Sentence of the Law executed upon, tho never ſo legally, and for never ſo heinous Crimes Convicted and Condemned, but he is to expect to have it all riſe in Judgment againſt him, and to be made anſwerable for it. For as it is the Law alone that gives him his Authority and Power, and protects him for all that he does in the legal ex-

exerciſe of it; ſo it conveys no Right, Juriſdiction or Authority unto him, but upon the ſuppoſal, that he is elected and choſen in the manner which the City-Charter preſcribes, and according to the cuſtom and uſage of the Corporation. And it is as lawful and ſafe for a *Porter* at the Exchange, to take upon him to keep men in priſon and dureſs, or to challenge the execution and ſerving of Writs, or to claim the ſeeing Malefactors hang'd, as it is for one that pretendeth to the Office of Sheriff of *London*, upon no better foundation than my Lord Mayors drinking to him at the *Bridg-houſe*. Nay, there is not a Serjeant, Bayliff, or the meaneſt Officer under him, but is liable to be puniſhed for whatſoever they do, either in the purſuance of an Authority derived from him, or upon the immediate execution of his Commands, and obeying of his Orders. And therefore ſhould my Lord Mayor inſiſt upon his having drunk to a Gentleman, as a good and formal Election of him to the *Sheriffwick*, yet if that Gentleman be not delirous and infatuated, he will never hazard his Liberty, Fortune and Life, in the undertaking an Office that he is not better and more loyally called unto.

So vain, fooliſh and groundleſs is this pretended Juriſdiction and Right of my Lord Mayors electing a perſon to be *Sheriff* of *London*, by the Ceremony of drinking to him, that there is not ſo much as one man in the whole City, even of thoſe that now ſeem to allow of it, but that he either already hath, or will at one time or another find himſelf obliged to contemn and withſtand ſo great and palpable an Uſurpation upon his Rights and Liberties. And tho ſome mad and phantaſtical fools may in the purſuance of the animoſities which are raiſed both in City and Kingdom, acquieſce in ſuch a Choice, when they find it to the gratification of their malice and revenge againſt thoſe whom paſſion, and Popiſh bigottedneſs make them differ from; yet

they

they will be as ready as any to withſtand and abhor it, whenſoever the Tables ſhall ſo far turn, as that we have a Mayor who will think it convenient, and even needful, to drink to one of the contrary and oppoſite Party. Yea, did not the very perſons that are now ſo zealous for the juſtification of this matter, and ſuppoſed legality of electing one of the Sheriffs by my Lord *Mayors* drinking to him, but a year ago both ridicule this wonted Ceremony, and endeavour to put by *Alderman Pilkinton*, whom Sir *Patience Ward*, the then Lord Mayor, had drunk unto? And did they not in contempt and defiance of this claimed Right of the *Mayor*, and uſual and much celebrated Rite of drinking, endeavour to ſeclude the perſon to whom, according to this new celebrated Mode, the *Sheriffwick* had been adjudged; and both put up and Voted for Sir *Humphrey Nicolſon*, and Mr. *Box*, the perſons they would have had *Sheriffs* for the year that was to enſue?

Having, as well as we are able, diſcourſed the foregoing Heads, we are to advance in the next place, to ſet it beyond all contradiction and control, That the Right of chuſing the *Sheriffs* of *London*, does by Charter, as well as common uſage, lodg not in the Lord *Mayor* alone, but in him, the Court of *Aldermen*, and the *Commons* of *London*. And as it is not eaſie to declare the Antiquity of this great and honourable City, ſo no more are we capable to aſſign the time when it firſt had ſuch Magiſtrates and Officers, as thoſe we do ſtile *Sheriffs*. But this we learn from *Stephanides*, who wrote in the time of *Hen.* I. That even then *Civitas* London *habuit annuos pro conſulibus Magiſtratus vicecomites*, *the City of* London *had beſides all other Magiſtrates, yearly Sheriffs*. Nay, we learn from a *Plea* put in by the City, in the Reign of *Henry* the *6th*, upon a Cauſe depending before Commiſſioners appointed by the

Ex M. ſſ. in Bibli-oth. Cotton.

King, between the ſaid *City*, and St. *Martins le Grand*, That *Gulielmus Conqueſtor authoritate Parliamenti, & per duas Cartas quas Major & Cives proferunt & verificare parati ſunt, dimiſit Civibus* London *totam dictam Civitatem & Vicecomitatum:* William *the Conqueror demiſed* Lib. K. fol. 120. *and granted to the Citizens of* London, *by the authority of Parliament, and by two Charters, the whole City and Sheriffwick of* London. And for the *Sheriffwick of Middleſex*, they have always enjoy'd it at the yearly *Rent* of 300. *l.* ſince *Henry* the *firſt*'s time. For that King granted *Civibus* Lond. *& Heredibus ſuis, Vicecomitatum* Lond. *& de* Mid. *To the Citizens of* London, *and their Heirs, the Sheriffwicks of* London *and* Middleſex. And *King John* in the firſt year of his Reign, granted and confirmed to the Citizens and their Heirs, *Vicecomitatum* London *& de* Middleſex, *&c. the Sheriffwick of* London *and* Middleſex, *with all the cuſtoms to the* Sheriffwicks *belonging, to be enjoyed by them and their Heirs freely and quietly, honourably and wholly, by the fee-farm of* 300. *l. per Annum.* And in the 11*th*, year of *Henry* the *third*, they had by another Charter the ſaid *Sheriffwicks* of *London* and *Middleſex* demiſed and confirmed unto them, with all the Things and Cuſtoms thereunto belonging. Now all theſe *Charters* have by *inſpeximus*'s been confirmed under the great Seal of *England*, *by Edward* 1. *Edward* 2. *Edward* 3. *Richard* 2. *Henry* 4. *Henry* 5. *Henry* 6. *Edward* 4. *Richard* 3. *Henry* 7. *Henry* 8. *Edward* 6. Queen *Mary*, Queen *Elizabeth*, King *James*, King *Charles* the 1*ſt*, *and his preſent Majeſty.*

Nor were theſe *Charters*, ſo far as any of them relate to the *Sheriffwick* of *London*, Original *Grants*, but only *Confirmations* of what the City had by *preſcription* poſſeſs'd and enjoy'd long before. For the late Lord Chief Ju-

Juſtice *Hale* ſaid well and truly in a Caſe wherein being a *Barreſter*, he and Serjeant *Maynard* were Councel at an Argument in *Guild-Hall, Decemb.* 14. 1650. concerning the Right of Electing the Lord *Mayor* and *Sheriffs* of *London*, namely, that the *Charters* were only *confirmations*, and not *Originals*, foraſmuch as the City had time out of mind enjoy'd the Officers of *Mayor* and *Sheriffs* by *Preſcription*. And for the *Sheriffwick* of *Middleſex*, they have held and enjoy'd it by *Charter* ever ſince the time of *Hen.* the 1*ſt*, at the yearly rent above mentioned. And whereas the *Charters* of King *John* and *Henry* the 3*d.* ſay, *conceſſimus & confirmavimus civibus Londini vicecomitatum de Midd. We have deviſed and granted to the Citizens of* London *the Sheriffwick of Middleſex*; it is plain that theſe were not Original *Grants*, but only *confirmations*, ſeeing *Henry* the *firſt* had granted the *Sheriffwick* of *Middleſex* to the *Citizens* of *London* before. And by the way, foraſmuch as in the information upon the *Writ* of *Quo Warranto* brought againſt the City, *they are to ſhew by what Warrant they Nominate, Elect and conſtitute Sheriffs of* London *and* Middleſex, *to execute and make return of all Writs, Bills and Precepts Domini Regis infra civit' Londini & commitatum Middſ. pro adminiſtratione & executione Juſtitiæ*, &c. *abſque commiſſione, ſive literis patentibus a Dom. Rege obtentis, of our Lord the King in the ſaid City and County, for the adminiſtration and execution of Juſtice*, &c. *without commiſſion or Letters Patents from the King.* We therefore ſay that all the *Charters* bearing not only a *Grant* and *confirmation* of the ſaid *Sheriffwicks*, but of all the *Things*, *cuſtoms* and *priviledges* which thereunto belong, there is no need of any particular clauſe in the ſaid *Charters*, as to thoſe Articles, ſeeing it is plainly implyed in the Demiſed and Confirmed

See Lond. *Liberties, or an Argument of Law and Reaſon*, &c. *Printed by* J. Cotteril *for* Giles Calvert. 1651.

things and customs: yea, the very Grant of the *Sheriffwick* involves a conceſſion of thoſe Powers and Authorities. And for any to imagine the contrary, is to make the *Charters* of all the Corporations in *England* inſignificant, and to inſtigate the King to diſſeiſe His Leige People of their Rights upon a meer *Quillet* and Trick. And tho ſuch little arts may become Sr. *G. J.* and Mr. *S.* yet they are below the honour, and inconſiſtent with the wiſdom and juſtice of a Prudent and Great Prince. Nor is it unworthy of our Remark, that the Act of Parliament of the *firſt* of *Edward* the 3*d*, which confirms unto the Citizens of *London* all the Liberties and Cuſtoms which they had enjoy'd in the time of *Edward* the *confeſſor* and other Progenitors of the ſaid *Edw.* 3*d.* expreſly ſays that the City had divers Liberties and Priviledges not only by the *Charters*, but, *ſine Cartis ex antiquâ conſuetudine*, *without* Charters, *namely by Preſcription and ancient cuſtoms.* And how eaſie were it to aſſign divers Priviledges and Rights of the City, of which there is not the leaſt mention in any *Charter*, which yet upon Bills, Petitions, or Tryals, have been acknowledged rightfully to appertain and belong unto them by vertue of Preſcription and Ancient Uſage. For as Serjeant *Maynard* ſaid in his Argument at *Guild-Hall*, *Dec.* 14. 1650. *The* Charters *of the City do not give them a Right, but are only matter of confirmation of the Rights which they immemorially had; and that their Officers were before* Charters, *and not inſtituted by them.*

Now all the Rights that are dimiſed and comfirmed by *Charter* to the City of *London*, are not only granted to the *Mayor*, but to the *Free-men* and *Barons*. For the Tenor of them all is either *Civibus noſtris London*, as in the *Charter* of *Rich.* the *firſt*, and the *Charter* granted by King *John*, and that of the 11 of *Hen* 3. And particularly the Right of chuſing Sheriffs is dimiſed, granted and

con-

confirmed to the Citizens and Free-men. For the *Charter* of the first year of King *John* expressly says, *Concessimus Civibus* London, *quod ipsi de seipsis faciant vicecomites quoscunque voluerint, & amoveant quando voluerint, We have granted to the Citizens of* London, *that they shall elect from amongst themselves what Sheriffs they please, and remove them when they please.* Accordingly *Edward* the *Second* in a *Writ* directed to the Lord *Mayor* and *Sheriffs* in the *8th.* year of his Reign, takes notice, that by the *Charters of his progenitors the Kings of England, it had been granted, Civibus prædictæ civitatis, quod ipsi vicecomites de seipsis quos voluerint eligant, to the Citizens of* London, *that they should from amongst themselves chuse and elect such Sheriffs as they pleased and thought good.* This is the Tenor in which all the *Charters* run, and the custome and usage of electing hath been always conformable hereunto, as we shall make appear anon.

Nor does the Right of the City, as to the power of chusing Sheriffs, or in reference to the priviledges which they have anciently enjoyed, depend meerly either upon *Prescription* or *Charter*, but they are confirmed and secured unto them by *Laws* and *Statutes*. The Great *Charter* of the liberties of *England* which was first Granted in the *17th.* year of King *John*, and renewed in the *9th.* year of *Hen.3.* and confirmed above *thirty* times in Parliament since, does particularly provide, *that the City of* London *shall have all her Liberties and Customs which she was used to have.* And as that *Charter* is but Declarative of the Rights which belonged to the People of *England* by the Common Law of the Land; so it supposeth *London* to have had many Liberties and Priviledges peculiar to it self, all which it confirms unto them by the same unalterable Law that it secured the Rights of the Kingdom. Yea, the Liberties, Priviledges and Jurisdictions of *London* are in a most especial manner ratified and confirmed by Act in the *first* of *Edward 3d*, in which that great King grants and secures

cures unto them, not only, *omnes libertates & antiquas ſuas conſuetudines, all their liberties and ancient cuſtomes which they either had at the time of making the Great* Charter, *or which had been granted by the* Charters *of any of his progenitors (of which the Right of chuſing their own Sheriffs, was one); but, diverſas Libertates & conſuetudines, quas ſine Cartis ex antiqua conſuetudine habuiſſent, divers Liberties and cuſtoms which they had and enjoyed without* Charters, *namely, by perſcription.* And there is *One* Remarkable Clauſe in that Act, viz. *Et quod pro aliqua perſonali trangreſſione, vel judicio perſonali alicujus miniſtri ejuſdem civitatis, non capiatur Libertas civitatis illius in manus noſtras, vel Hæredum noſtri; That the Liberties of that ſaid City ſhall not be taken into the hands of us or our Heirs, for any perſonal Trangreſſion or Judgement of any Miniſter of the ſaid City.* Nor is this Act ſingle and Solitary in this matter, but there is another in a Parliament the 7th. *Rich.* 2. wherein that King upon the Petition of the Commons, confirms unto them all their *Franchiſes* and Priviledges, and that with this Clauſe, *Sive uſi non fuerint, ſivi abuſi fuerint, whether they were either ſuch as they had abuſed, or had not made uſe of.* And it is moſt probable that King *Richards* violating this Law by the ſeiſure of the City *Charter* in the 16th, year of his Reign, was part of the reaſon of the 16th Article againſt him, upon which among others they depoſed him; namely, *That he the ſaid King not willing to keep the juſt Laws and cuſtoms of his Kingdom, but according to his Arbitrary will, to do, quicquid deſideriis ejus occurreret, whatſoever ſhould occur to his deſires, &c. had ſaid, quod ipſe ſolus poſſit mutare & condere leges Regni ſui, That he himſelf alone could*

Actus Parliamenti, 18 Edw. 3d. Inſpect. 2 Hen. 8.

Rot. Parliam. 7. R. 2. Inſpect. 8. Jacobi.

viz. Kingſton.

could make and change the Laws of his Kingdom. And the Attempt of *Richard* 2. in the ſeiſing of the City-Charter into his hands, having not only greatly alarm'd all the other Cities and Burroughs, but wonderfully diſguſted the whole Kingdom, may be the Reaſon why in the Reign of ſucceeding Kings, *we have the Liberties and Franchiſes of all the Cities and Burroughs of the Realm, confirm'd and ſecured by Acts of Parliament, and that equally with the Liberties and Franchiſes of the Lords Spiritual and Temporal, and all other Leige People.*

See Raſt. Stat. 2 *Hen.* 4. *c.* 1. 4 *H* 4. *c.* 1. 9 *H.* 4. *c.* 1. 13 *H.* 4. *c.* 1.

And according to the tenor of the *Charters* which have been ſo confirmed by Acts of Parliament, have the Free-men, together with my Lord Mayor and Court of Aldermen, from time to time elected and choſen *Sheriffs.* It is true, there have been ſome variations, as to the numbers and qualifications of Free-men that have been admitted to chuſe; but there was never to this day a *Sheriff* conſtituted over the City, by the meer Authority of the *Mayor*, or the *majority* of the Court of *Aldermen*, without the concurrence, choice and confirmation of the greater part of thoſe Free-men who have made up the Common Hall. Anciently all the Free-men had a Vote in the Election of the *Mayor* and *Sheriffs*; but that growing impoſſible to be practiſed, through the vaſtneſs of the number of Free-men, and that manner and form of chuſing thoſe Officers having been often attended with Riots, the City thought fit to regulate it; but ſtill with this Reſervation and Proviſion, That no *Mayor* nor *Sheriff* ſhould be choſen without the Concurrence, Vote and conſtitutive Conſent of a competent number of Free-men. Thus we find, That in the Reign of *Edward* 1. *Edward* 2. and ſome part of *Edward* 3. the Sheriffs were choſen by the *Mayor*, *Aldermen*, and a *certain number of good and*

and loyal men, out of the ſeveral and reſpective *Wards*. For we find, that in the ſixth of *Edward* 1. Lib. A. fol. 121. *Vicecomites electi fuerunt, per Majorem, Aldermanos, & probos homines Civitatis*, *the Sheriffs were choſen by the Mayor, Aldermen, and the good or lawful men of the City.* And in the 31, 33, 34, *Edward* 1. and 1, 2, 3, 4, 5, 6, *Ed.* 2. we find, that they were choſen by *the Mayor, Aldermen, and Twelve Free-men out of every Ward.* But in all that time, we have not one word of the *Mayor*'s having a Right, by his Prerogative, to chuſe one of the Sheriffs; but from the 20*th* of *Edward* 3. which is above 200 years ſince the *Sheriffs* of *London* have been always choſen by the *Mayor*, *Aldermen*, *Common-Council, and Livery-men.* And as the Rights granted to the City by the Charter, of chuſing their *Sheriffs* from among themſelves, is hereby truly preſerved, the Free-men ſtill chuſing, tho every Free-man doth not chuſe; ſo this is both a preſcription and uſage of too long a date, and a form and manner of electing, the benefits and advantages whereof we have ſo fully taſted, that the preſent Mayor ought not either out of a *Capricio* of his own, or at the inſtigation of others, who deſign no leſs than the deſtruction of many principal Citizens, to attempt the wreſting ſo uſeful, neceſſary, and well eſtabliſhed a Right from the City.

'Tis true, that ever ſince about the 20*th* of *Edward* the *third*, my Lord *Mayor* hath had the naming or propoſing one perſon for the *Shrivalty* of *London* and *Middleſex*; but his nomination was never held to conſtitute the ſaid perſon *Sheriff*, or to preclude the free choice of the Commons. Nor may it be amiſs briefly here to unfold both the firſt occaſion of, and the moving Reaſon unto it. The occaſion ſeems to have been this, That whereas a Parliament held in the 20*th* *Edward* 3. had made a Law, That Juſtices of *Aſſize* ſhould enquire into the Miſdemeanours of *Sheriffs*, and puniſh

punish them as well at the Kings Suit, as the parties, according as Law and Reason should require; thereupon many Citizens that were qualified to serve the City in the Office of Sheriffs, being fearful and timorous, lest upon little miscarriages in that Trust, they might bring their Liberties and Estates into danger, used to withdraw themselves, in order to decline their being Elected. Therefore there was the same year an Ordinance made by the Lord Mayor, certain Aldermen, and the Sheriffs, *de assensu totius communitatis, with the assent and concurrence of the Commonalty, That if any absented himself out of the City at the day of the Election of Sheriffs, he should pay to him that should be chosen, by his withdrawing and default, the sum of* 100 l. and that the *Mayor*, who is supposed to have better knowledg than others, which of the Citizens are most fit for so weighty an Office, *should present and nominate one person to the Commons, in order to the being chosen Sheriff.* And yet notwithstanding this Ordinance, we do not find that ever the Mayor assumed the Authority of imposing whom he had named, upon the City; but the Commons have always enjoyed the Right of refusing or confirming the Person Nominated and Presented. And as the *Mayors* nominating a Person, was never transacted at the *Bridg*-House, till since the Reign of *Hen.* 8. so he always took the advice of his Brethren the *Aldermen*, whom he should recommend as a person in his or their Opinion worthy to be Elected Sheriff. Hence during all the time from the 20 *Ed.* 3. till the 1*st Hen.* 8. we not only read that *apud Ghihaldam*, such and such a one was named by the *Mayor*; but that they were always Presented to the *Commons*, *nomine Majoris & Aldermanorum.*

And tho' later Ages have brought what used to be transacted in the Court of *Hustings* at *Guild-Hall*, to be managed at a Dinner at the *Bridg-House*, and hath connived at a greater Arbitrariness of naming and presenting in the *Mayor*, than anciently belonged unto, or was claimed by him; yet

yet no one Mayor till Sir *John Moor*, ever placed ſo much in Drinking to a perſon, ſo as upon that to require Bond of the perſon Drunk unto to hold *Sheriff*, before he is ſo much as preſented unto, much leſs confirmed by the *Common-Hall*. And tho' thoſe whom former Mayors have uſually named, have been ſeldom refuſed or rejected by the *Commons*; yet this did not ariſe from any Right in the *Mayor*, by vertue of the Prerogative of his Place, to Elect one, or that the *Commons* were obliged tamely to acquieſce in whomſoever he Preſented; but becauſe our Mayors have been for the moſt part ſo modeſt and diſcreet, as to nominate ſuch perſons which were acceptable to the City, and Gentlemen of that Worth, Juſtice and Integrity, that the Citizens themſelves knew not where to find better. And indeed the Priviledg vouchſafed my Lord Mayor, of naming and tendring one to the *Hall* for *Sheriff*, was to ſerve the intereſt, and to provide for the ſafety of the whole City, and not to gratifie the humour and rancour of a little venomous and factious Party; it was in ſubſerviency to the equal preſerving the Liberties and Lives of all the Free-men, and not to ſacrifice the moſt uſeful in the Corporation, to the revenge of their Enemies: Yet even heretofore the *Commons* have found cauſe to aſſert their Priviledges and Rights, and not implicitely to acquieſce in every one whom their *Mayors* had nam'd unto them. For beſides, that whenſoever any perſon whom my L. Mayor hath named by the Solemnity of drinking, and prickt with a kind of Authority for the enſuing *Sheriff*, doth but for reaſons which himſelf aſſigns, refuſe or decline the Office, than doth the naming and electing both the Sheriffs, devolve upon, and by his own acknowledgment lodg in the Commons. And to omit other inſtances of this nature, I ſhall only mention that of the 29 of *Eliz.* when *Richard Platt*, whom my Lord Mayor had drunk unto, had by his Petition excuſed himſelf, how the Commons without the interpoſition of the Mayor, named and Elected *Hugh*

Offer

Offley and *Richard Saltonſtall*. To which I ſhall ſubjoin that late memorable Preſident of the 32 *Car.* 2. when *George Hockonall* being drunk to, and preſented to the *Commons* for their Confirmation, having upon juſt and good grounds diſengaged himſelf from ſerving, the *Commons* without vouchſafing my Lord Mayor the Prerogative of a new nomination, Elected and choſe *Slingsby Bethel* and *Henry Corniſh*. Again, is there any thing more obvious and frequent, than that when ſuch whom my Lord Mayor hath preſented, have notwithſtanding the honour of his Lordſhips nomination, and the reputation of being complemented and careſſed into an Office by a Glaſs of Wine, ſubmitted to their *Fines*, rather than be wheedled into the expence of three or four Thouſand pounds in the *Sherivalty*, by pledging him, that in ſuch a caſe the Commons have been very *tamely* ſuffered to claim the naming and electing both the *Sheriffs*. For example, when —— *Charlton*, whom in the 16 *Car.* 1. my Lord Mayor had Drunk to, yet for cauſes beſt known to himſelf, had the morning before the Election at *Guild-Hall*, choſe rather to Fine than to run the risk of being confirmed by the Commons to hold; the Election of *Sheriffs* for the enſuing year, devolved without any diſpute upon the *Common-Hall*, who accordingly choſe *John Towſe* and *Hugh Windham*. Surely theſe caſes do to any man of ſenſe demonſtratively evince, That the Right of chooſing one Sheriff does not belong unto my Lord Mayor, ſeeing if it did, it would indubitably belong unto him upon one mans refuſal immediately to nominate another; But is not this a ſtrange kind of Right to be lodged and veſted in any which he can no where exert but in ſuch a place, and at no time but ſuch a day? For ſuppoſe that he to whom the Mayor drinks at the *Bridg-Houſe*, ſhould either by Death, or ſwearing himſelf to be leſs worth than 10000 *l.* or by ſome other accident, prove uncapable of ſerving, muſt not in theſe caſes his *Lordſhip*, for all his Prerogative of being to chooſe one *Sheriff*, be quietly contented with two ſuch as the

Commons think convenient to name, as well as to Elect. For my part, I never think of this pretended Prerogative of my Lord Mayor, but I think ſome envious Fellow that would expoſe the Honour of the City and Nation, was the firſt inventor and adviſer of it. Nay, to proceed a little further, Even when none of theſe things have interven'd, yet the *Commons* have diſputed and conteſted the Mayors Power in this matter, and have made him, if not plainly renounce, yet wave and abandon the inſiſting upon it. Thus in the 19 *Car.* 1. when the *Mayor* had nominated and preſented *John Fowke*, the *Commons* refuſed to confirm the Election; upon which it was agreed that the Commons ſhould for that time have the nomination of both the Sheriffs. Accordingly proceeding to Choice, and thinking it enough that they had aſſerted and vindicated their Rights, and made the Mayor ſupercede his pretended Election, and having no exception againſt the perſon, or diſſatisfaction as to the worth and merit of *John Fowke*, but being meerly diſcontented at my Lord Mayors uſurping upon their Priviledges, and attempting to thruſt a Sheriff upon them, they choſe the ſaid *John Fowke* for one Sheriff, and *James Bunce* for the other. Thus alſo in the 26 *Car.* 2. when the then Mayor had drunk to *William Roberts*, and recommended him to the *Hall* to be confirmed; they of the Livery did notwithſtanding the high value which they had for the ſaid Mr. *Roberts*, refuſe to confirm him upon this and no other account, but, That the *Mayor* claimed it as his Prerogative to chuſe one of the Sheriffs, and that he would have impoſed him upon the *Hall* for their acceptance, as one that was both already and rightfully Elected. And we may very well remember, that after a ſtiff and long conteſt, the *Commons* were permitted to chuſe both the Sheriffs, and my Lord Mayor was willing upon ſuch a compromiſe that ſignified nothing to the maintaining of his pretended Prerogative, to ſubmit thereunto, and acquieſce in it. There are ſeveral more inſtances and examples of this kind, but theſe are enough to inform and convince perſons that have not renounced Reaſon, That the Lord Mayors drinking to one at the *Bridg-Houſe*, does not bind the Common-Hall to confirm him for *Sheriff*, nor reſtrain them from Electing another in his room.

Now,

Now I know but one thing that can with any umbrage of Sense be urged unto, as a Justification of my Lord *Mayors* Prerogative to elect singularly one of the two *Sheriffs* for *London* and *Middlesex*. And it is an Act of *Common-Council* in the 7th. of the late King *Charles*, in which among other things, *It is enacted, ordained, and established by the* Lord Mayor *and* Aldermen, *and* Commons *in Common Council assembled*, &c. *That from thenceforth for ever, the day as well for Confirmation and Allowance of such persons as hereafter shall be chosen and elected by the Lord* Mayor *of this City for the time being, to be Sheriffs of the said City and County of Middlesex*; *as also for the Choice and Election of such other persons as by the Lord* Mayor, Aldermen, *and* Commons *shall be chosen to be* Sheriffs *of the said City and County of Middlesex, shall be yearly held on the* 24. *day of* June. To which I briefly reply two things, whereof the first is, That if the meaning of this *Act* of *Common Council* be, what the Advocates for my Lord *Mayors* Prerogative contend for; namely, that the right of Electing one *Sheriff* is in him, and that the *Commons* are tamely to acquiesce in, and implicitely to consent to the choice which he is alledged to make; I say, If this be the meaning of the *Act*, it is directly against all their Charters which have been ratified by so many Acts of Parliament; therefore *ipso facto* void and null. For tho' my Lord Mayor, the Court of Aldermen, and Commons in Common Council assembled, may make Laws agreeable to the Charter; yet they can make none that directly gainsay and overthrow it. And if an Act of Parliament may be null in it self, and those punished that presume to Act upon it when it is against those Rights which we enjoy by the Common Law of the Land; surely an Act of Common Council may also be null, if it be against those Liberties which belong unto the Citizens by Charter and Prescription. And if an Act of Parliament upon the Authority whereof *Dudley* and *Empson* acted, would not preserve them from being hang'd, because 'twas against the Common Rights of *English* men: it is very likely that an Act of *Common-Council* will not secure others from being called to an account, if they trample upon the legal Priviledges and Jurisdictions of the City. And I remember that the *Commons* of *England* in Parliament assembled 2. *May* 1628. did judge and declare upon the Complaint of one *Legate*, a certain Act of the *Common Council* of *London* to be null in it self, and all Proceedings upon it to be unjust and illegal. And in the 17. *Car.* 1. where upon a frustration of the Election of *Sheriffs*

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on *Midſummer-day* becauſe of the *Commons* refuſing to confirm him whom Sir *Edward Wright* the then Lord *Major* had named, the whole matter, was brought before the Lords aſſembled in Parliament; I remember how on the hearing of both Parties, *Their Lordſhips did order, That the Commonalty ſhould forthwith proceed to the nomination and Election of both Sheriffs for the year enſuing.* Though I do confeſs, that in the ſaid Order, they do not preclude the *Mayors* from diſputing their Prerogative in a legal and fair way, if they have any. And foraſmuch as moſt of the Caſes I mentioned before, wherein the *Mayors* waved and abandoned the inſiſting upon any Prerogative or Right in this matter, have fallen out ſince the ſaid *Act* of *Common-Council* was made; this plainly teſtifies and ſhows, that themſelves judged that *Act* of *Common-Council* too weak and incompetent to ſupport and juſtifie their Claim of impoſing a *Sheriff* upon, or preſcribing one unto the City.

Secondly, I ſay, that the words in the ſaid Act of Common-Council, which provide that the *Commons are on ſuch a day to confirm and allow him whom the Mayor hath elected,* do plainly declare, That they have power not to allow, or confirm him? For what ſenſe is there, to ſay, They are to allow and confirm, if they have not the liberty and priviledg to diſallow, and refuſe to confirm? And what becomes of the *libera Electio vicecomitum,* that is to be granted to the *Barons* or Freemen of *London* by ſo many *Charters,* and provided for by the City Laws, if the *Commons* be bound to ſubmit to the Perſon that the *Mayor* does name? This were to betray you into Slavery by the plauſible Terms of Liberty, Priviledg, and Power, and to cheat you of your Rights by fair, but inſignificant and fallacious words. Rouze up your ſelves then to a modeſt, peaceable and diſcreet Conſideration of your Duties. You may eaſily know where your Intereſt lyes and what is deſigned by the warmth and Indefatigableneſs of your Enemies. The buſineſs relating to the *Quo Warranto,* and concerning the forfeiture of your Charter, is before the Judges, who I ſuppoſe will do you Juſtice and Right, and remember that there is no preſident that ever this great and honourable *Metropolis* of the Kingdom was ever wholly *diſfranchiſed,* or reduced into a *Village,* ſince it was firſt a *Corporation.* And had that at any time been, they could never ſince have claimed thoſe Priviledges and Juriſdictions which they held and enjoyed by ancient *Preſcription.* For if *Preſcription* be once extinguiſhed, no Princes Grant afterwards, or *Writ* of *Reſtitution* can revive it. 'Tis true, there have ſometimes been ſeizures

sures of the City Rights; but I dare boldly say, That the City was never to this day *discorporate*; only their Priviledges were taken into the hands of some of their Kings, till they had made some little Submission, and reconciled themselves by some petty Gifts to their angry and incensed Princes. Yea, the last seizure of the City Priviledges which was in *Rich* 2's. time above 290 years ago, was not upon a Sentence or *Verdict* of the Judges of the *Iter's*, or of the Courts at Law, but meerly an Act of the Will and Pleasure of that King, with and upon the advice of some *Lords* whom he had called together and consulted in that affair, And I am almost ready to think, that if the Lords the *Judges* should annul and give away the *Franchises* of the City upon the *Quo Warranto* brought lately against it, that then they may ere long find another served against the House of Commons, as being according to Dr. *Brady* of a much later standing, having had its first beginning only in *Hen.* 3's. time; (and that, if you will believe him, meerly upon Rebellion) and being voiced by many to have behaved themselves for some years past unmannerly to his Majesty, presumptuously towards his Ministers, and arbitrarily towards divers of those who stile themselves his Majesties only Loyal Subjects. But Gentlemen Citizens! tho' the matter of the *Quo Warranto* doth not lye before you, yet the preserving your ancient and legal Right of chusing both the *Sheriffs* is wholly in your own hands, and under your power, and none can strip or deprive you of it, unless your selves renounce and abandon it. And let me only tell you, That if you acknowledg a Prerogative in the *Mayor* to chuse annually one *Sheriff*, it is more than probable, that your *Mayors* may in process of time challenge and usurp the Election of both. For the Freemen have the same Right and Authority *annually* to chuse *two*, which they have to chuse one; and if they suffer themselves to be wheedled or threatned out of the first, it will be a good encouragement for the *Mayors* to wrest the second from them likewise. For it is not by reason of any apprehension or fear of Danger unto themselves from the Gentlemen that are thought upon by others for *Sheriffs* against the ensuing year, that they make all this Clamour, Contest and Bustle, but it is from a hope and belief to distress and ruine you, if they can but obtain a *Sheriff* of their own Kidney and Figure. Have any of them suffered by means of the Injustice or Partiality of the Gentlemen who have executed that Office these two last years? Nay, have not some of them escap'd what by the

See Walsing. R. 2. p. 348.

Law

Law they deserved to undergo? Whence then is all this earnest to impose a *Sheriff* upon you, contrary to all Right and Equity, the very *Tenor* of your Charters, but in subserviency to some D sign they have projected and laid against your Persons and Esta Dare you judge your selves worthy of those Priviledges and Ju dictions which the Kings of *England* bestow'd upon your Ancest and which his present Majesty hath confirmed unto you; if deserting and abandoning the defence of them, you judg them on fit to be given up and sacrificed to the humour and will of a per that hath nothing to distinguish him from many of your selves, b the sitting in a *Chair* wherein you placed him, and which he m surrender to another in a few Months? Think what your poster will say of you, when they are upbraided with the Folly and Se vileness of their Fathers, who lost more from them in a lame and ob sequious parting with the Rights and Priviledges of Citizens, th all the Parchment Titles and Wealth which you can convey t to them, do bear proportion unto. Nay will not the *Ghosts* of yo Fore-fathers, when they shall see their Children destroy'd by pa Juries, upbraid you as a degenerate Offspring, and drive away yo Base and timorous Senses from a *participation* in that happiness whic their own zeal for, and Conformity unto the *Protestant* Religion with their fidelity for the Interests of Mankind and the Rights this Noble City, prepared and adapted them for? And should you d sert the asserting your Rights at such a juncture as this, will no your Guilt make you a terror to your selves, and your slavish Foll and Baseness fill you with shame before others? Do you not thin what will become of your Religion and Laws, should God take awa his Majesty? And will not the Courses that many within your ow walls are pursuing, facilitate and enable your Adversaries to effect it I hope you will pardon this Transport; for one cannot show himse affected as he ought for so good a Cause, without being picquant a gainst a sort of men that have nothing to distinguish them from *Ap* and *Baboons*, but that they have learned to talk; for their Actio are infinitely more *indecorous*, unreasonable, and silly. For my sel I love both *English* Liberty and the *Protestant* Religion; and if must be a Slave, I will chuse rather to be one in *Turkey*, than *En land*; Or if I must exchange my Religion, I will sooner worship th *Sun*, than the *Pairing* of St. *Frances Toes*, or the *Snot* and *Snivel* *Loyala's Nose*. *Si mundus vult decipi decipiatur.* Farewel.

FINIS.

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